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HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.20657 OF 2005

DATED:21-09-2005

Between:

1. Kolli Eshwara Rao and 9 others

..... PETITIONERS

AND

1. The District Collector, Visakhapatnam and 3 others

.....RESPONDENTS

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HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.20657 OF 2005

ORDER:

The grievance of the petitioners is that the respondents are trying to demolish their property for widening of the road without following due process

of law.

In view of the ratio laid down in **Pilli Lakshmana Rao and others v. Executive Officer, Gram Panchayat** and **M/s.Ushodaya Publications v. The Commissioner, Municipal Corporation of Hyderabad**, the respondents can either take possession or demolish the property for widening of the road, only after following the procedure prescribed by Section 147 of the Hyderabad Municipal Corporation Act, 1955 i.e., by acquiring the land as per the provisions of the Land Acquisition Act, 1894.

Therefore, the writ petition is disposed of with a direction to the respondents to take recourse to the provisions of the Hyderabad Municipal Corporation Act, 1955, before taking possession or demolishing the structures belonging to the petitioners. No order as to costs.

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21st September, 2005

SKM